

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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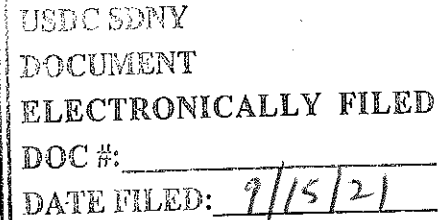
UNITED STATES OF AMERICA

- against -

Miguel Urena-Mercedes,
a/k/a "Miguel Urena"
a/k/a "Jose Lopez"
a/k/a "Na Gordo"

Defendant.

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ORDER OF JUDICIAL REMOVAL

Criminal Docket No. 10-CR-1053 (RMB)

Upon the application of the United States of America, by Andrew Jones, Assistant United States Attorney, Southern District of New York; upon the Factual Allegations in Support of Judicial Removal; upon the consent of Miguel Urena-Mercedes a/k/a "Miguel Urena," a/k/a "Jose Lopez," a/k/a "Na Gordo," (the "defendant"); and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native of the Dominican Republic and citizen of the Dominican Republic.
3. The defendant, under the name Miguel Urena-Mercedes, was previously ordered removed by an immigration judge on February 11, 2005. He was physically removed from the United States on or about March 9, 2005.
4. After having been removed from the United States, the defendant, under the name Wendy Ariel Minaya Acosta, entered the United States, in or about June 22, 2005 on a B-2 temporary visitor visa, without having obtained the express consent of

the Attorney General of the United States or its successor, the Secretary for the Department of Homeland Security.

5. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, for violations of 8 U.S.C. §§ 1326 (a) and (b)(1), for illegal reentry.
6. A maximum sentence of ten years imprisonment may be imposed for a violation of these offenses.
7. The defendant is, and at time of sentencing will be, subject to removal from the United States pursuant to Section 237(a)(1)(A) of the Immigration and Nationality Act (Act), as amended, as an alien at the time of entry or of adjustment of status, was within one or more of the classes of aliens inadmissible by the law existing at such time, to wit: an alien who has been ordered removed under section 240 or any other provision of law, or who departed the United States while an order of removal was outstanding, and who seeks admission within ten years of the date of such departure or removal without obtaining prior consent to reapply for admission from the Attorney General before reembarkation at a place outside the United States or seeking admission from foreign contiguous territory, pursuant to section 212(a)(9)(A)(ii) of the Act.
8. The defendant has waived his right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).
9. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.

10. The defendant has designated the Dominican Republic as the country for removal pursuant to Section 240(d) of the INA, 8 U.S.C. § 1229a(d).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), that the defendant shall be removed from the United States promptly upon his release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the defendant be ordered removed to the Dominican Republic.

Dated: New York, New York

9/15, 2021


HONORABLE RICHARD M. BERMAN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

Miguel Urena-Mercedes,
a/k/a "Miguel Urena"
a/k/a "Jose Lopez"
a/k/a "Na Gordo"

Defendant.

NOTICE OF INTENT TO
REQUEST JUDICIAL REMOVAL

Criminal Docket No. 10-CR-1053 (RMB)

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NOTICE IS HEREBY GIVEN TO MIGUEL URENA-MERCEDES a/k/a "Miguel Urena," a/k/a "Jose Lopez," a/k/a "Na Gordo," ("the defendant"), and to his attorney of record herein, Telesforo Del Valle, Jr., Esq., that upon conviction of the defendant for violations of 8 U.S.C. §§ 1326 (a) and (b)(1), the United States of America shall request that the Court issue a Judicial Order of Removal against the defendant pursuant to Section 238(c) of the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. § 1228(c).

Dated: New York, New York

September 13, 2021

AUDREY STRAUSS
United States Attorney
Southern District of New York

By:



Andrew Jones
Assistant United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

FACTUAL ALLEGATIONS
IN SUPPORT OF JUDICIAL REMOVAL

- against -

Criminal Docket No. 10-CR-1053 (RMB)

Miguel Urena-Mercedes,
a/k/a "Miguel Urena"
a/k/a "Jose Lopez"
a/k/a "Na Gordo"

Defendant.

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NOTICE IS HEREBY GIVEN TO MIGUEL URENA-MERCEDES a/k/a "Miguel Urena," a/k/a "Jose Lopez," a/k/a "Na Gordo," ("the defendant"), and to his attorney of record herein, Telesforo Del Valle, Jr., Esq., that the United States of America alleges the following facts in support of the Notice of Intent to Request Judicial Removal:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native of the Dominican Republic and citizen of the Dominican Republic.
3. The defendant, under the name Miguel Urena-Mercedes, was previously ordered removed by an immigration judge on February 11, 2005. He was physically removed from the United States on or about March 9, 2005.
4. After having been removed from the United States, the defendant, under the name Wendy Ariel Minaya Acosta, entered the United States, on or about June 22, 2005 on a B-2 temporary visitor visa, without having obtained the express consent of the Attorney General of the United States or its successor, the Secretary for the Department of Homeland Security.

5. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, for violations of 8 U.S.C. §§ 1326 (a) and (b)(1), for illegal reentry.
6. A maximum sentence of ten years imprisonment may be imposed for a violation of these offenses.
7. The defendant is, and at time of sentencing will be, subject to removal from the United States pursuant to Section 237(a)(1)(A) of the Immigration and Nationality Act (Act), as amended, as an alien at the time of entry or of adjustment of status, was within one or more of the classes of aliens inadmissible by the law existing at such time, to wit: an alien who has been ordered removed under section 240 or any other provision of law, or who departed the United States while an order of removal was outstanding, and who seeks admission within ten years of the date of such departure or removal without obtaining prior consent to reapply for admission from the Attorney General before reembarkation at a place outside the United States or seeking admission from foreign contiguous territory, pursuant to section 212(a)(9)(A)(ii) of the Act.

WHEREFORE, pursuant to section 238(c) of the INA, 8 U.S.C. § 1228(c), the United States requests that the Court, at the time of sentencing, order that the defendant be removed

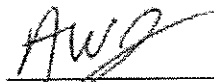
from the United States to the Dominican Republic promptly upon his release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing.

Dated: New York, New York

September 13, 2021

AUDREY STRAUSS
United States Attorney
Southern District of New York

By:

A handwritten signature in black ink, appearing to read "AWJ", written over a horizontal line.

Andrew Jones
Assistant United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

Miguel Urena-Mercedes,
a/k/a "Miguel Urena"
a/k/a "Jose Lopez"
a/k/a "Na Gordo"

Defendant.

DEFENDANT'S PLEA STATEMENT IN
SUPPORT OF JUDICIAL REMOVAL

Criminal Docket No. 10-CR-1053 (RMB)

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MIGUEL URENA-MERCEDES a/k/a "Miguel Urena," a/k/a "Jose Lopez," a/k/a
"Na Gordo," defendant in the above-captioned criminal proceeding, hereby states as follows:

1. My true and correct name is Wendy Ariel Minaya Acosta.
2. I received a Notice of Intent to Request Judicial Removal ("Notice"), dated, September 13, 2021. I am the person identified in that document. I hereby waive my right, pursuant to section 238(c)(2)(A) of the Immigration and Nationality Act of 1952, as amended ("INA"), 8 U.S.C. § 1228(c)(2)(A), to have the Notice served upon me prior to the commencement of the trial or entry of a guilty plea in this case.
3. I received the Factual Allegations in Support of Judicial Removal ("Allegations"), dated September 13, 2021. I hereby waive my right, pursuant to Section 238(c)(2)(B) of the INA, 8 U.S.C. § 1228(c)(2)(B), to have the allegations served 30 days prior to sentencing.
4. My rights in a judicial removal proceeding have been fully explained to me by my attorney, Telesforo Del Valle, Jr., Esq. After consultation with my counsel and

understanding the legal consequence of doing so, I knowingly and voluntarily waive the right to the notice and hearing provided for in Section 238(c)(2) of the INA, 8 U.S.C. § 1228(c)(2), and further waive any and all rights to appeal, reopen, reconsider, or otherwise challenge this order. I understand the rights I would possess in a contested administrative proceeding and I waive these rights, including the right to examine the evidence against me, present evidence on my own behalf, and cross examine witnesses presented by the United States. I understand these rights and waive further explanation by the Court.

5. I hereby admit that all of the factual allegations set forth in the Allegations are true and correct as written.
6. I hereby concede that I am removable from the United States pursuant to Section 237(a)(1)(A) of the Immigration and Nationality Act (Act), as amended, as an alien that at the time of entry or of adjustment of status, was within one or more of the classes of aliens inadmissible by the law existing at such time, to wit: an alien who has been ordered removed under section 240 or any other provision of law, or who departed the United States while an order of removal was outstanding, and who seeks admission within ten years of the date of such departure or removal without obtaining prior consent to reapply for admission from the Attorney General before reembarkation at a place outside the United States or seeking admission from foreign contiguous territory, pursuant to section 212(a)(9)(A)(ii) of the Act.
7. I hereby waive any and all rights I may have to any and all forms of relief or protection from removal, deportation, or exclusion under the INA, as amended,

and related federal regulations. These rights included, but are not limited to, the ability to apply for the following forms of relief or protection from removal: asylum; withholding of removal under Section 241(b)(3) of the INA, 8 U.S.C. § 1231(b)(3); any protection from removal pursuant to Article III of the United Nations Convention Against Torture, including withholding or deferral of removal under 8 C.F.R. §§ 208.16-17 and 1208.16-17, cancellation of removal; adjustment of status; registry; *de novo* review of a denial or revocation of temporary protected status (current or future); waivers under Sections 212(h) and 212(i) of the INA, 8 U.S.C. §§ 1182(h), 1182(i); visa petitions; consular processing; voluntary departure or any other possible protection or relief from removal available under the Constitution, laws or treaty obligations of the United States.

8. I agree to the entry of a stipulated judicial order of removal pursuant to Section 238(c)(5) of the INA, 8 U.S.C. § 1228(c)(5). I acknowledge that I have not been persecuted in the Dominican Republic and have no present fear of persecution in the Dominican Republic, the country of my citizenship. I further acknowledge that I have not been tortured in the Dominican Republic and have no present fear of torture in the Dominican Republic, the country of my citizenship.
9. I consent to the introduction of this statement as an exhibit in the record of these judicial removal proceedings. I further agree to make the judicial order of removal a public document, waiving my privacy rights, including any privacy rights that might exist under 8 C.F.R. § 208.6.

10. I agree to assist U.S. Immigration and Customs Enforcement ("ICE") in the execution of my removal. Specifically, I agree to assist ICE in the procurement of any travel, identity, or any other documents necessary for my removal; to meet with and to cooperate with representatives of any country to which I may by statute be removed if ICE so requests; and to execute any forms, applications, or waivers needed to execute or expedite my removal. I further understand that my failure or refusal to assist ICE in the execution of my removal may subject me to criminal penalties under Section 243 of the INA, 8 U.S.C. § 1253.
11. I concede that the entry of this judicial order of removal renders me permanently inadmissible to the United States. I agree that I will not enter, attempt to enter, or transit through the United States without first seeking and obtaining permission to do so from the Secretary of the Department of Homeland Security or other designated representative of the U.S. government.
12. I will accept a written order issued by this Court for my removal from the United States to the Dominican Republic, and I waive any and all rights to challenge any provision of this agreement in any U.S. or foreign court or tribunal.

9-15-21
Date

September 15, 2021
Date

Wendy Ann Minajewski
Defendant's Signature

[Signature]
Attorney for the Defendant

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

Miguel Urena-Mercedes,
a/k/a "Miguel Urena"
a/k/a "Jose Lopez"
a/k/a "Na Gordo"

Defendant.

CONCURRENCE OF
UNITED STATES IMMIGRATION
AND CUSTOMS ENFORCEMENT

Criminal Docket No. 10-CR-1053 (RMB)

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Based upon consideration of the applicable law and the defendant's statement, I hereby concur, on behalf of United States Immigration and Customs Enforcement, in the United States Attorney's request that a judicial order of removal be granted against the defendant.

Dated: New York, New York
September 3, 2021

Kenneth Genalo

KENNETH GENALO
Deputy Field Office Director
United States Immigration and
Customs Enforcement